

## **Minutes Tempe Police Public Safety Personnel Retirement System Board March 2, 2017**

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, March 2, 2017, 2:00 p.m., in Tempe City Hall, Third Floor Conference Room, 31 E. 5<sup>th</sup> Street, Tempe, Arizona.

**Board Members Present:**

Steven Methvin  
Jim Foley  
Kelly McMenemy  
Jeff Millen

**Board Members Absent:**

Bill Goodman

**City Staff Present:**

Renie Broderick, Internal Services Director  
Wendy Messina, HR Program Coordinator  
Susan Buck, Executive Assistant

**Legal Counsel Present:**

Cynthia Kelley

*Chair Steven Methvin called the meeting to order at 2:11 p.m.*

**ITEM I – Consideration of Meeting Minutes:**

Motion by Kelly McMenemy to approve the February 2, 2017 Board Meeting Minutes and the February 2, 2017 Executive Session Minutes; second by Jim Foley. Motion passed on a voice vote 4-0.

Chair Methvin requested that staff confirm the proper procedure for approving Executive Session Minutes with the City Clerk's Office. Board Legal Counsel Cynthia Kelley noted that other Boards that she supports do not review or vote on Executive Session Minutes.

**ITEM II - Public Appearances:**

There were no public appearances.

**ITEM III - Motion to Adjourn to Executive Session, if necessary:**

See Agenda Item VII.

**ITEM IV – New Members**

Motion by Jeff Millen to accept the New Member applications of **Chad M. Clark, Austin C. Lee, Steven M. Roberts** and **Edwin Zepeda**; and of **Kayla Gneck-Smith** and **Brian P. Kidd** (lateral) with pre-existing conditions as noted in the medical file. Boardmember Millen also requested that staff follow-up with the medical board to add a note to Ms. Gneck-Smith's medical file to indicate which side of her collar bone was previously broken. Second by Kelly McMenemy. Motion passed on a voice vote 4-0.

**ITEM V – Application to Enter the Deferred Retirement Option Plan (DROP) Program:**

Motion by Jeff Millen to approve the DROP application of **Gary R. Duplissis**; second by Kelly McMenemy. Motion passed on a voice vote 4-0.

Motion by Kelly McMenemy to approve the DROP application of **Jeffrey S. Millen**; second by Jim Foley; Boardmember Millen abstained. Motion passed on a voice vote 3-1-0.

**ITEM VI – Retirement Application:**

Motion by Jeff Millen to approve the application of **Felipe Amezcuita** to retire from the DROP program with a retirement date of March 21, 2017; second by Kelly McMenemy. Motion passed on a voice vote 4-0.

**ITEM VII – Hearing on Application for Accidental Disability Benefits:**

Chair Methvin opened the hearing on the application by **Aimee J. Willcoxson** for Accidental Disability Benefits.

Motion to adjourn to Executive Session by Steven Methvin; second by Kelly McMenemy. Motion passed on a voice vote 4-0. Boardmember McMenemy recused herself from the Executive Session discussion and left the room. The Board adjourned to Executive Session at 2:18 p.m. The Board meeting reconvened at 2:28 p.m.

Chair Steven Methvin noted the Board is in receipt of the Independent Medical Exam (IME) results for **Aimee J. Willcoxson**; the Initial Hearing was on January 5, 2017. Chair Methvin asked if anyone wished to address the Board on this item; no one did so. Chair Methvin asked if there was any discussion on this item; there was none.

Motion by Jeff Millen to approve the Application for Accidental Disability Benefits of **Aimee J. Willcoxson**; second by Jim Foley. Boardmember McMenemy abstained. Motion passed on a voice vote 3-1-0.

Chair Methvin read the following questions from the Form P5-LB-A and the Board answered them verbally for the record:

1. Did the employee file the application after the disabling incident, or within one year of ceasing to be an employee? **YES**
2. Did (or will) the employee terminate by reason of a disability? **YES**
3. Did employment terminate based on a disciplinary issue? **NO**
4. If the member's period of DROP has ended, if applicable, did (or will) the employee terminate by a reason of disability? **YES**
5. Is the employee still working a position within their job classification that the Local Board considers a reasonable range of duties positions? **NO**
6. Has the employee refused a position within their job classification that the Local Board considered a reasonable range of duties? **NO**
7. Did the injury or condition occur prior to the current PSPRS membership date? **NO**
8. Was the injury or condition the result of an event incurred during the performance of the employee's duty? **YES**

**ITEM VIII – Annual Review of Members Receiving Disability Benefits:**

Local Board Secretary Renie Broderick noted that this item was tabled at the last meeting so that Ms. Kelley could research whether the Board can set their own policy regarding the annual re-examination process for members with less than 20 years of total service.

Ms. Kelley stated that per State statutes, the Board has broad authority to consider people receiving or applying for benefits. Ms. Kelley noted that the Board cannot send someone for an IME more than once a year. The Board can establish their own procedures; if the Board just wants to review the annual list and randomly select people they can

do so. Ms. Kelley stated that if word reaches the Board that someone on medical retirement due to a physical injury is engaging in activities, such as teaching CrossFit, the Board has the ability to send that person for an IME.

Boardmember Foley asked about the process to bring someone back to the City who was on disability benefits for 4 or 5 years and subsequently was found to no longer be disabled. Boardmember McMenemy stated the person would have lost their certification and would need to go back through academy. Ms. Kelley stated that another consideration would be whether the City would hire them back.

Boardmember McMenemy stated that the Board should remain separate from the City and unbiased in their evaluation. She further noted that there has been an increase in disability applications in the past few years. It may be beneficial to make an educational effort at the time of disability application to let the applicants know that they may be subject to a medical re-evaluation in the future and may subsequently be required to return to work – which would start their service clock time over at the point that they went on medical retirement.

Chair Methvin stated that the Board could establish criteria to review all members receiving disability at a pre-determined time, such as every 3 years, up to the point the person reached 20 years. That would establish a pre-determined timeframe for the re-evaluation, which would help protect the fund.

Boardmember Foley stated the first question to answer is whether the City will put the person back to work if they are found to no longer be disabled. The Board generally discussed the process to hire a person back at the City after they have been on disability.

Boardmember Millen stated that the more “fair” way is to do it on an automatic basis, but there needs to be some judgement exercised. In certain cases it would be unreasonable to bring back certain individuals based on the extent of their disability. Ms. Kelley noted that the statute states that everyone has to be treated similarly.

The Board discussed possible scenarios for reviewing existing members on disability. Chair Methvin stated that the review process might be more relevant if information regarding the reason for disability was included in the annual list. Wendy Messina, HR Program Coordinator, stated that she can add that information to the list presented to the Board. The Board discussed medical confidentiality pertaining to the review process.

Boardmember McMenemy stated the Board needs to be the clearinghouse for this information and needs to be able to exercise judgement. She noted that the expiration of Arizona POST certification might be a good standard for the review timeframe.

Chair Methvin suggested that staff bring back examples of different scenarios to the Board, including when someone loses certification prior to coming back or bringing someone back to the City prior to loss of certification. Ms. Broderick stated that staff could also have a conversation with Police Administration about the issue. Chair Methvin stated that should not influence whether or not the Board decides to re-evaluate someone.

The Board discussed possible scenarios for reviewing existing members on disability. Ms. Kelley stated that the Board can establish whatever procedure they wish for the review; the Board can hire an investigator if they wish, according to statute.

Chair Methvin requested that staff provide examples of different scenarios to the Board for discussion at the next meeting.

#### **ITEM IX – Public Safety Personnel Retirement System (PSPRS) SB1428 Pension Reform Update**

Ms. Broderick stated information received from PSPRS administration regarding educational events and a copy of a webinar presentation from January 31, 2017, were previously forwarded to the Board and also provided to them in their meeting packets.

Ms. Kelley stated that at the February meeting, the Board requested that she provide information on Tier 2 and Tier 3. However the pension reform materials provided by the State are as clear as things can be at this point, since things are still getting sorted out.

Ms. Broderick stated that there is future training in April and the State Administrator's Office will be sending out further information.

**ITEM X – PSPRS Risk Pooling & Local Board Consolidation Update:**

Ms. Broderick stated that an informational update was provided by the State and included in the Board's meeting packet. There was no discussion on this item.

**ITEM XI – Future Meeting Date:**

The next meeting is scheduled for April 6, 2017.

**ITEM XII - Future Agenda Items:**

Annual Review of Members Receiving Disability Benefits

**Adjournment**

Motion to adjourn by Kelly McMenemy; second by Jeff Millen. Motion passed unanimously on a voice vote 4-0. The meeting adjourned at 2:56 p.m.



Renie Broderick  
Local Board Secretary